

ESTTA Tracking number: **ESTTA548095**Filing date: **07/12/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Merial		
Entity	Soci��t�� par actions simplifi��e	Citizenship	France
Address	29 Avenue Tony Garnier Lyon, 69007 FRANCE		

Attorney information	Brewster Taylor STITES & HARBISON PLLC 1199 NORTH FAIRFAX ST. SUITE 900 ALEXANDRIA, VA 22314 UNITED STATES btaylor@stites.com Phone:(703) 739 4900
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Applicant Information

Application No	85828950	Publication date	06/18/2013
Opposition Filing Date	07/12/2013	Opposition Period Ends	07/18/2013
Applicant	Active Life Global Solutions LTD 9550 S. Eastern Avenue, Ste 253 Las Vegas, NV 89123 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Dietary supplements

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2763796	Application Date	07/19/2002
Registration Date	09/16/2003	Foreign Priority Date	NONE
Word Mark	FRONTLINE PLUS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 005. First use: First Use: 2000/12/01 First Use In Commerce: 2000/12/01 INSECTICIDES AND ANTIPARASITIC AGENTS FOR VETERINARY USE		
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U.S. Registration No.	3821646	Application Date	12/11/2009
Registration Date	07/20/2010	Foreign Priority Date	NONE
Word Mark	FRONTLINE TOP SPOT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1996/09/00 First Use In Commerce: 1996/09/00 TOPICAL LIQUID APPLICATION FOR USE ON ANIMALS FOR THE PREVENTION AND/OR TREATMENT OF FLEA AND TICK INFESTATION		

U.S. Registration No.	2049456	Application Date	06/10/1994
Registration Date	04/01/1997	Foreign Priority Date	12/15/1993
Word Mark	FRONTLINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/05/30 First Use In Commerce: 1996/06/12 [anthelmintics for veterinary use] insecticides and antiparasitic agents for veterinary use		

Attachments	NOTICE OF OPPOSITION.pdf(145832 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/BT/
Name	Brewster Taylor
Date	07/12/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**IN THE MATTER OF TRADEMARK
APPLICATION SERIAL NO. 85/828,950**

MERIAL)	
)	
Opposer)	
)	
v.)	Opposition No.
)	
ACTIVE LIFE GLOBAL SOLUTIONS LTD)	
)	
Applicant)	
)	

NOTICE OF OPPOSITION

MERIAL, a Société Par Actions Simplifiée of France, with principal offices located at 29 Avenue Tony Garnier 69007 Lyon France (hereinafter “Opposer”), believes that it would be damaged by registration of the mark “FRONTLINE CHARGER” (Serial No. 85/828,950) for "dietary and nutritional supplements; dietary supplements" in the name of **ACTIVE LIFE GLOBAL SOLUTIONS LTD.**, a limited liability company organized under the laws of Nevada, with principal offices located at 9550 S. Eastern Avenue, Suite 253 Las Vegas, Nevada 89123 (hereinafter “Applicant”), and Opposer, by its undersigned attorneys, hereby requests that registration of the mark be denied on the following grounds:

1. In U.S. Application Serial No. 85/828,950 Applicant seeks registration of the mark “FRONTLINE CHARGER” for “dietary and nutritional supplements; dietary supplements”. The application was filed on January 22, 2013, and is based on Applicant’s alleged bona fide intention to use the mark in commerce in connection with said goods under Section 1(b) of the Trademark Act (15 U.S.C. §1051(b)).

2. Opposer has used its marks “FRONTLINE”, “FRONTLINE PLUS” and “FRONTLINE TOP SPOT” for animal health products sold in commerce in the United States continuously for years prior to the filing date of Applicant’s application for registration of “PRONYL OTC”. Opposer has used

its "FRONTLINE" and "FRONTLINE TOP SPOT" marks for animal health products sold in commerce since at least as early as 1996, and its "FRONTLINE PLUS" mark for animal health products sold in commerce since at least as early as 2000. Opposer has also used "FRONTLINE" together with its mark "TRITAK" for animal health products sold in commerce in the United States since July, 2012.

3. Opposer is the owner of U.S. Registration No. 2,049,456 for "FRONTLINE" for insecticides and antiparasitic agents for veterinary use and of U.S. Registration No. 2,763,796 for "FRONTLINE PLUS" for insecticides and antiparasitic agents for veterinary use. Both registrations are "incontestable" and operate as conclusive evidence of Opposer's ownership of the marks set forth therein and of Opposer's exclusive right to use the marks in connection with the goods listed in the registrations. *See* 15 U.S.C. §§ 1065 and 1115(b). Opposer is also the owner of U.S. Registration No. 3,821,646 for "FRONTLINE TOP SPOT" for topical liquid application for use on animals for the prevention and/or treatment of flea and tick infestation. This registration operates as *prima facie* evidence of the validity of the registered mark set forth therein and of Opposer's exclusive right to use the mark in connection with the goods listed in the registration. *See* 15 U.S.C. § 1057(b).

4. Opposer is a world-leading animal health company. The animal health products sold by Opposer under its long-used and registered "FRONTLINE" marks are the leading products in their category for dogs and cats in the United States. Opposer's use in commerce and registration of its "FRONTLINE" marks for animal health products are long prior to the date of filing an application for registration of "FRONTLINE CHARGER" and, on information and belief, any actual use of the "FRONTLINE CHARGER" mark.

5. Notwithstanding Opposer's strong prior rights in its "FRONTLINE" marks in connection with the sale of animal health products, Applicant has applied for registration of the confusingly similar mark "FRONTLINE CHARGER" for health products.

6. In view of the similarity of the "FRONTLINE", "FRONTLINE PLUS" and "FRONTLINE TOP SPOT" marks and the "FRONTLINE CHARGER" mark used in connection with related products, purchasers are likely to be confused as to the source of the products and mistakenly attribute them to the same source.

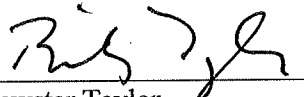
7. The grant of a registration to Applicant of the "FRONTLINE CHARGER" mark would be in derogation of Opposer's prior rights in its "FRONTLINE" marks and thereby cause damage and injury to Opposer and confusion in the relevant purchasing public.

8. Applicant's "FRONTLINE CHARGER" mark so resembles Opposer's previously used and registered "FRONTLINE" marks as to be likely, when used in connection with the goods identified in application serial no. 85/828,950, to cause confusion, mistake or deception and thereby falls within the proscription of Section 2(d) of the statute, 15 U.S.C. § 1052 (d), and should be denied registration.

WHEREFORE, Opposer believes that it would be damaged by grant to Applicant of registration on Application Serial No. 85/828,950 and prays that its opposition be sustained and that registration be denied.

Respectfully submitted,

STITES & HARBISON PLLC


Brewster Taylor

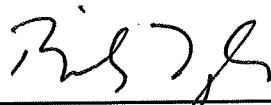
JULY 12, 2013

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served on counsel for Applicants, this 12th day of July, 2013, by sending it via First Class Mail, postage prepaid, to:

Matthew H. Swyers, Esq.
The Trademark Company
344 Maple Avenue West
Suite 151
Vienna, Virginia 22180



Brewster Taylor